



Public Notice

US Army Corps
of Engineers

Date: 16 AUGUST 2001

Alaska District
Regulatory Branch (1145b)

Identification No SPN 2001-08

Post Office Box 898

In reply refer to above Identification Number

Anchorage, Alaska 99506-0898

SPECIAL PUBLIC NOTICE SPN 2001-08

GENERAL PERMIT 88-02P

Placer Mining Activities within the State of Alaska

A General Permit (GP) has been reissued pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899, and in accordance with the Department of Army Regulations (33 CFR Part 320-330). The GP authorizes the placement of fill material into waters of the United States, including wetlands for the purpose of placer mining in the State of Alaska. The placement of fill material associated with placer mining activities which does not fall within the scope of this GP, or which fails to meet the terms and conditions, are not authorized by this GP.

In response to Special Public Notice 2000-9 dated July 26, 2000, the proposed GP was revised to reflect comments and address concerns submitted by the interested public and other resource agencies. Based on a review of all pertinent information including a prepared environmental assessment, I have concluded that the issuance of this GP will not have more than minimal impacts on the environment, and is not contrary to the public interest.

The attached GP-88-02P outlines the criteria which must be met in order for work to be accomplished. An individual wishing to perform work under this GP must review these conditions carefully. If the proposed work does not meet the requirements of the conditions, the GP will not apply and an individual Department of the Army permit application must be submitted.

All activities must be in accordance with the conditions of the modified GP, a copy of which is attached. Failure to comply with the terms and conditions of the GP could result in suspension, modification, or revocation of the permit, and/or imposition of penalties as provided by law.

This GP has been issued for a period of five years, effective the date of the signature shown on the last page of the permit. At the end of this five-year period, an evaluation of the GP will be made, and at that time it will be decided whether or not this GP should be renewed. The District Engineer, or his authorized representative, may at any time during this five-year period, alter, modify, suspend, or revoke this permit, if he deems such action to be in the public interest.

District Engineer
Alaska District
U.S. Army Corps of Engineers

Attachment

GENERAL PERMIT 88-02P
Placer Mining Activities within the State of Alaska

Pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899, the Secretary of the Army proposes to reauthorize the Alaska General Permit (GP) for placer mining, GP 88-02N. The permit allows for the general public to place fill material into waters of the United States, including wetlands for the purposes of placer mining within the State of Alaska contingent on meeting the terms and conditions listed below. The placement of dredged or fill material associated with placer mining activities which do not fall within the scope of this GP, or which fail to meet the terms and conditions, are not authorized by this GP and a Department of the Army (DA) individual permit would be required. Placer mining is defined as the removal of gold or precious material such as silver, tin, or platinum from gravel. The gold or precious metal has moved or been eroded from its original position in the earth, normally by water and re-deposited within the gravel. This GP does not apply to hard rock mining activities. Hard rock mining is the process to remove valuable metals or elements (not necessarily gold) that are bound within country rock.

The DA has determined that mining activities associated with placer mining operations authorized by another Federal Agency may need no further authorization from the Corps of Engineers (Corps). The mining operator must notify the District Engineer of his or her intention to mine, and provide a copy of the Federal plan approval. The notification must include a copy of the approved mining plan and the approved reclamation plan. If stream diversions and relocations are planned a final stream placement and restoration plan shall be part of the reclamation plan. For the operator to be authorized the Federal land manager must have completed a site specific National Environmental Policy Act Analysis (NEPA), either an Environmental Impact Statement or Environmental Assessment, for the proposed operation. The NEPA analysis must have considered all practical alternatives for fill placement and activities in waters of the United States. A mining operator with an approved Plan of Operation from the Bureau of Land Management, or the United States Forest Service, or another Federal agency for a placer mine may be authorized to discharge dredge or fill material into waters of the United States, and special aquatic sites, including wetlands. The Corps will provide a written response to the operator informing the operator if any further Corps permitting is required. The operation must meet the acreage limits of this GP. The Corps, at the discretion of the District Engineer, may require a bond to ensure success of the reclamation. This determination does not apply to State Land, Native Lands or private lands where no NEPA analysis has been completed.

RECREATIONAL MINING AND SUCTION DREDGING

For the purpose of this GP, recreational mining is defined as hand mining with a pick, shovel, pan, and or rocker box. Recreational placer mining generally will not be regulated by the Corps and does not require a Corps permit, as explained in Special Public Notice 94-10, issued September 13, 1994. As long as State of Alaska Department of Fish and Game (ADFG) requirements for fish-bearing waters are met, the activity is expected to have de-minimus effects. The Corps retains the discretion to require authorization on a case-by-case basis if it is believed that effects are greater than de-minimus.

The placement of fill material specifically for dikes, wing dams, and stream diversion structures are not considered part of recreational mining. These activities require Corps authorization.

The Corps does not regulate the excavation by the nozzle of a suction dredge of any size for the recovery of precious metals. The Corps also does not regulate the effluent from a suction dredge. Suction dredging for gold or other precious metals in non-navigable (as defined by the Corps) fresh waters is an activity not normally regulated by the Corps.

The use of a suction dredge to recover precious metals on Corps of Engineers Section 10 navigable waters (available on the Alaska District Corps Regulatory home page) requires a written response from the Corps. The Corps will evaluate the impacts of the structure on navigation. If there is no adverse impact on navigation, the Corps may use the Placer Mining GP to authorize the structure. If there are unmitigatable adverse impacts to navigation the Placer Mining GP cannot be used to authorize the structure.

All mining operations in marine waters require authorization from the Corps

Anyone may request written confirmation of whether his or her proposed recreational mining operation requires Corps authorization.

AUTHORIZED ACTIVITIES

The Corps encourages exploration of placer ground in advance of mining. The placer mine GP authorizes fills for exploratory drill pads, trenches, side casting from trenches, bulk samples and other test methods in regulated waters of the United States. Exploration activities for placer mining are authorized as long as they comply with the conditions of the GP listed below.

The GP authorizes the placement of dredged and or fill material into waters of the United States, including wetlands, in association with mechanized land clearing; construction of sedimentation basins; stream diversions; foundation pads; access roads; required reclamation work; the stockpiling of overburden and pay gravel; and similar activities.

The cumulative surface disturbance of one project shall not exceed ten (10) acres including streams, unreclaimed ground, wetlands, and uplands at any time. The "Pre-Construction Notification" procedure described below will be used to review placer mining projects. All project features including mine cuts, settling pond, diversions, berms, work and camp pads, stockpiles, etc. that will not be used during the next year's mining season must be reclaimed prior to the end of the current mining season. Areas reclaimed in accordance with the State of Alaska under the Reclamation Law (A.S. 27.19.020) or a Federal land management agency are not included in computing the area of disturbance (see condition #14 below).

This GP does not apply if a listed endangered or threatened species would be adversely affected, as determined by the U.S. Fish and Wildlife Service.

This GP does not apply to marine or estuarine waters, State designated Critical Habitat Areas or Game Refuges and Sanctuaries, unless the activity is specifically authorized by the agency with jurisdiction over the these lands.

This GP does not apply to placer mining activities within any unit of the National Wildlife Refuge System, National Park System, or component of the National Wild and Scenic River System (existing or nominated).

The lead role that Federal and State land management agencies have in identifying evaluating and pursuing consultation on cultural resources is recognized. This consultation has a basis under Section 106 of the National Historic Preservation Act and any agency's cultural resources conservation implementing regulations. This GP does not authorize placer mining activities that would adversely affect archaeological, cultural or historic properties which the National Park Service has listed on, or has determined eligible for listing on, the National Register of Historic Places unless coordination with the State Historic Preservation Office, and if necessary, the Advisory Council on Historic Preservation is completed as per Section 106 of the National Historic Preservation Act.

Authorization granted under this GP applies only to work subject to the regulatory authority of the U.S. Army Corps of Engineers. GP authorization does not obviate or affect in any manner the requirements or the need to meet any other required Federal, State or local governmental authorizations (e.g., local land use codes or regulations). If the proposed work authorized under this GP is subsequently modified by any other Federal, State, or local governmental authorization, a modification of the authorization to perform activities under this GP may need to be obtained from the Corps.

CONDITIONS OF THE GENERAL PERMIT

The goals of these conditions are, to be consistent with other regulatory authorities, and to promote re-establishment of normal aquatic ecosystem functions representative of the area in which the mining takes place. The primary objectives are to achieve a stable stream channel and to prevent excessive erosion of soil into streams. This acknowledges that a certain amount of erosion and deposition is part of normal processes occurring within a stream. However, excessive erosion of soils into streams has been identified as one factor that makes re-establishing a productive aquatic ecosystem with a variety of plant and animal species difficult. All activities identified and authorized by this GP shall be consistent with the following conditions:

The time limit for authorizing work under this GP ends five years from the date of the GP issuance. Any activity authorized by this GP before the expiration date must also be completed by that date, unless the activities are underway, will be completed within twelve months of the expiration date, and the permittee notifies the Corps of his intent to continue mining. Further time extension may be considered on a case-by-case basis under provisions of 33 CFR 325.6. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the expiration date.

Activities covered under this GP shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, (Act), nor jeopardize the continued existence of any proposed species under the Act. The District Engineer shall conduct a determination of effect by contacting the U.S. Fish and Wildlife Service for each application received as a GP request, or require documentation of such contact from operators with an approved Federal plan of operation. If it is determined that listed species are likely to be adversely affected, and or proposed species are likely to be jeopardized by the permitted action or related activities, this GP shall not apply to this specific activity or shall be suspended until section 7 consultation is complete.

The proposed placer mining activity shall not adversely affect Essential Fish Habitat (EFH). Section 305 (b) of the Magnuson-Stevens Fishery Conservation and Management Act and 50 CFR Part 600 provide the requirements for EFH consultation. The District Engineer shall make a determination whether or not the action will adversely affect EFH. The determination and an EFH assessment (per 50 CFR 600.920) shall be provided in any subsequent notice should the action adversely affect EFH. If necessary NMFS will provide EFH Conservation Recommendations as defined in Section 305 (b) (4) (A) and 50 CFR Part 600.

- 4 Placer mining activities which are located in waters used by anadromous fish species shall be consistent with State of Alaska Department of Fish and Game Statutes A.S. 16.05.870 and must comply with any Alaska Department of Fish and Game Fish Habitat Permit issued for the project under A.S. 16.05.870, if a permit is required. Violation of the Alaska Department of Fish and Game's AS 16.05.870 permit shall be grounds to suspend or revoke the authorization granted by this GP.

Any stream diversion shall be limited to two thousand (2000) linear feet at any one time. All restoration activities must be completed on the diversion prior to construction of a new diversion (see condition #14 below).

Any stream diversion activity shall provide for the free passage of fish, both upstream and downstream with no barriers or entrapments, consistent with State of Alaska Department of Fish and Game Statutes A.S. 16.05.840 - 16.05.860. The stream diversion must be supplied with a quantity of water sufficient to pass fish and at a grade and velocity approximating that of the original stream and must be capable of carrying anticipated stream flows during the period it will be in operation without overtopping the banks or causing undue erosion of the streambed or banks. The stream diversion must comply with the Alaska Department of Fish and Game Fish Habitat Permit issued under A.S. 16.05.840, if such a permit is required.

No placer mining activity shall be located within one-quarter mile of an eagle nest site unless the Fish and Wildlife Service determines that the activity will not impact the eagles. The applicant has additional responsibilities to protect eagles under provisions of the Eagle Protection Act (16 USC 668-668c revised November 8, 1978).

8. The activity shall have (if applicable), and be in compliance with, required State and Federal authorizations, including United States. Environmental Protection Agency, National Pollution Discharge Elimination System permit; Alaska Department of Fish and Game, A.S. Title 16 Fish Habitat Permit; National Marine Fisheries Service, Magnuson-Stevens Fishery Conservation and Management Act; Alaska Department of Natural Resources A.S. 27.19 (Reclamation Act). Failure to comply with any Federal or State authorization shall be grounds for suspending or revoking the authorization granted by this GP.
9. Dredged and/or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include: gullying, head cutting, caving, block slippage, material sloughing etc. Material shall not leach harmful or toxic substances into streams or wetlands. Preferably, it should be placed into upland areas, or areas that have been previously mined.
 - All material stockpiles intended for private use or subsequent commercial sale shall either be used and reclaimed within three years under condition #14, or be placed in a stable upland location which avoids stream channels and wetlands. Stockpiles should preferably be placed in uplands, however, if it is in wetlands, the footprint shall not be greater than one acre in size. Stockpiles shall not be placed in stream channels. This condition does not apply to waste rock, overburden, or tailings not intended for commercial sale or personal use and are reclaimed under condition #14.
10. Settling ponds shall not be located in a flowing stream. If a settling pond is located where it is likely to flood, and is needed for mining during the next year, it shall be protected from erosion by a berm or another method. Settling ponds shall not be located where a stream channel is going to be reestablished unless the fines are removed or protected from erosion. Exceptions to this condition can be made on a case-by-case basis.
11. All features, settling ponds, berms, workpads, roads, and stream diversions shall be designed, constructed, and maintained to minimally withstand the high waters of a 10-year flood.

- 12 Pump intakes or stream diversions shall be designed to prevent intake, impingement, entrainment, or entrapment of fish consistent with State of Alaska Department of Fish and Game Statutes A.S. 16.05.870 - 16.05.900 and Alaska Department of Natural Resources (ADNR) Statute A.S. 46.15.
- 3 All organic materials including vegetation, topsoil and overburden, shall be separated from non-organic overburden and stockpiled for future use in reclamation. The organic material shall be protected from erosion and from contamination by acidic or toxic materials and shall not be buried by tailings or non-organic material. Preferably, the stockpiles shall be placed into upland areas, or areas that have been previously disturbed.

Mine features shall be reclaimed when the mining activity is complete, and when the disturbed areas are not expected to be used during the next year. All mine features shall be reclaimed according to the following minimum requirements (a through g). Exceptions and additions to these requirements can be made on a case-by-case basis when approved by the appropriate land manager and the Corps.

- a. Mined areas shall be re-contoured so that slopes and features of mined areas match the slopes and features of the surrounding landscape. All material, including overburden, side cast material, and tailings, shall be used. The goal is to obtain stable slopes and soil surfaces containing enough fine material to hold moisture and promote reasonable rates of natural re-vegetation with a 40% live plant cover of the entire reclaimed area by the end of two growing seasons.
- b. Stockpiled organic material (including vegetation, topsoil and overburden and or muck), and if possible, settling pond silts, shall be spread over the contoured mine workings, to promote natural plant growth. The goal of this condition is to promote the natural succession of vegetation that is representative of the area. Acceptable indicators that this process is occurring would be a reasonable presence, density, and distribution of pioneer species of plants typical to the area. The goal is to achieve a 40% live plant cover of the reclaimed area within two complete growing seasons.
Settling ponds located within the stream channel floodplain shall be reclaimed, capped, or the pond sediments removed so that the fines do not get into the stream system.
- d. Stream channels shall be stabilized. The goal of stability means that, when reclamation is complete, a stream will have an acceptable balance between erosion and deposition so that it develops recognizable stream system features. Such features include an active channel with appropriate meanders, point bars, and a floodplain. The stream channel should mirror pre-placer mining configuration in terms of length, flow velocity, grade, and functional configuration. This includes having a riparian area supporting pioneer species of vegetation. The goal is to achieve a range of conditions that will move the stream system towards reestablishing some of the stream functions of pre-placer mining conditions. There is no defined time scale. This may include a combination of approaches, including a relocation of the channel, changes to channel geometry, different methods of handling sediments, promoting natural re-vegetation, and applying new technology as appropriate. Diverted stream reaches, which are no longer needed, shall be backfilled with suitable, non-erodible material and the stream restored in a stable location in the valley.
- e. Floodplain areas shall have a minimum width to withstand a 10-year flood event. The purpose of this is to prevent excessive erosion of material placed adjacent to the stream. This standard may be raised or lowered on a case-by-case basis.

- f. There shall be no permanent stream diversions unless the final configuration satisfies condition 14-d above and is approved by Alaska Department of Fish and Game under A.S. Title 16 permits, the appropriate land management agency, and the Corps of Engineers. If a diversion is to be left as a landscape feature, it must be suitably backfilled or blocked.
 - g. Exploration trenches shall be backfilled, stabilized and covered with organic material to inhibit erosion, and promote natural revegetation as described above in 14-a. All exploration drill holes need to be plugged in accordance with Alaska State regulations.
- 15. If a stream segment is to remain in a diversion channel (as mandated by Alaska Department of Fish and Game under A.S. Title 16 permits, the appropriate land management agency, or the Corps of Engineers), the diversion channel shall approximate the length, flow velocity, grade, and functional configuration of the diverted stream segment.
 - 16. Within the Matanuska-Susitna Coastal District boundary, all habitable structures, petroleum storage, and sanitary facilities must be a minimum of 75 feet from the ordinary high water line of rivers, streams, and lakes.
 - 17. You must maintain the lands and facilities subject to this GP in good condition and in conformance with the terms and conditions of this GP. This includes removal of fuel drums, equipment, trailers, bone yards, and used oil and waste upon abandonment. You are not relieved of this requirement if you abandon the permitted activity. If another operator will be taking over the mine, the GP must be reissued to the new operator and final reclamation may be required prior to reauthorization. The local Corps office shall be notified of the planned change.
 - 18. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this GP, you must immediately notify this office, the State Historic Preservation Office, and the coastal district (if within a coastal district), of what you have found. The District Engineer (DE) will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. (If the activity occurs on Federal land, the Federal land manager is responsible for coordination.)
 - 19. Any operator found in non-compliance with this GP may not be issued another placer mine GP authorization until the non-compliance is rectified.
 - 20. The conditions found on the State of Alaska Department of Environmental Conservation, Certificate of Reasonable Assurance pursuant to Section 401 of the Clean Water Act are attached to the Department of the Army General Permit.

APPLICATION PROCEDURES

- a. The mine operator must notify the Corps of their intended mining activity prior to beginning work. Notification can be with a State of Alaska Annual Placer Mining Application (APMA) or a multi year APMA. The applicant's work location, and type/size of equipment must be clearly identified. For the APMA to be considered a complete GP application by the Corps, the accompanying drawings must be of sufficient detail to determine the location and area of impact (dimensions) for each proposed mining activity (cuts, stockpiling of overburden and pay gravel, construction of berms and roads, areas of reclamation, etc.). The Corps will contact the miner for additional drawings and/or information, if necessary. After receipt of a complete GP application, the Corps will notify the applicant that their work will be covered under this GP, or that an individual permit is required. No work can proceed without Corps confirmation.

Or

- b The mine operator may alternatively submit a letter requesting GP coverage, or a DA permit application (ENG FORM 4345) to the Corps. This request for a GP must include a map showing the proposed mine location and a plan drawing showing the location of each placer mining activity. The letter or application and drawings must be of sufficient detail to determine the location and area of impact (dimensions) for each proposed mining activity (cuts, stockpiling of overburden and pay gravel, construction of berms and roads, areas of reclamation, etc.). The Corps will contact the miner for additional drawings and/or information if necessary. After receipt of a complete GP application, the Corps will notify the applicant to confirm that their work will be covered under this GP, or that an individual permit is required. No work can proceed without Corps confirmation.

All mining operations proposed for authorization under this GP will be authorized as follows:

(1) Applicant submits a request for a permit by either of the methods outlined in paragraph (a) or (b) above.

(2) The Corps reviews the application and determines that the GP is applicable. The Corps follows standard nationwide permit preconstruction notification (PCN) procedure.

(3) The Corps faxes the plans to the reviewing agencies, including the land manager.

(4) All agencies have 10 calendar days from the date this notification is transmitted to contact the Corps in writing, by FAX, e-mail, or by telephone, with comments on the project. Site specific plans for stream channels by ADFG, and/or special conditions will be incorporated as appropriate. Emphasis will be on recommendations based on a site visit, such as those that would improve on the generalized reclamation requirements of condition #14.

(5) The Corps issues the applicant a GP authorization letter, or based upon review, the Corps notifies the miner that a GP is not appropriate for the proposed operation. Special conditions can be added to the GP authorization letter.

REPORTING AND MONITORING

Any person or company engaged in placer mining activities authorized under this GP shall submit an annual report for review and approval by the DE. The report, to be submitted by December 31 of each year, shall describe work performed during the mining season including:

1. A description of the location and size of areas filled.
2. Purpose and intended use of filled areas.
3. Areas reclaimed, areas disturbed, but left unreclaimed for use during the next year's mining season.
4. Plan drawings showing the location of each mining activity that was conducted during the mining season and the area of impact. The drawings shall show the mine site prior to the start of the mining season and the mine site at the end of the mining season.
5. Photos taken of the operation before and after reclamation.

The report can be the same report submitted to ADNR, the Bureau of Land Management, or another land manager as long as it contains the information listed above. A sample report form is attached to the back of this permit. The reports shall be sent to: Regulatory Branch, Alaska District, Corps of Engineers, ATTN: CEPOA-CO-R, P.O. Box 898, Anchorage, Alaska 99506-0898.

Non-compliance with reporting requirements may result in permit revocation, directed restoration of affected areas, and/or imposition of civil and criminal penalties.

LIMITS OF THIS AUTHORIZATION

- (1) This permit does not grant any property rights or exclusive privileges.
- (2) This permit does not authorize any injury to the property or rights of others
- (3) This permit does not authorize interference with any existing or proposed Federal Project.

LIMITS OF FEDERAL LIABILITY

In issuing this permit, the Federal Government does not assume any liability for the following:

- (1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- (2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- (3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- (4) Design or construction deficiencies associated with the permitted work.
- (5) Damage claims associated with any future modification, suspension, or revocation of this permit.

REEVALUATION OF PERMIT DECISION

The Corps of Engineers may reevaluate its decision to issue a GP authorization to any person or company at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

(1) The permittee fails to comply with the terms and conditions of this permit.

(2) Appropriate new information surfaces, which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

INSPECTION

You must allow the DE, or his designated representatives, to inspect the authorized activity at any time deemed necessary to ensure that the work is being or has been accomplished in accordance with the terms and conditions of this GP. In the event that work is being or has been performed in noncompliance with this GP, appropriate measures shall be taken to resolve the violation. This may include a requirement to obtain an individual permit, even though others in the same area are not required to do so. Refusing access to and inspection of the authorized activities shall be considered non-compliance with the terms and conditions of this GP.

PENALTIES FOR VIOLATIONS

Failure to comply with the terms and conditions of this GP may result in suspension of the work, revocation of the permit, removal of dredged and/or fill material or other structures, directed restoration of waters and/or wetlands, and/or imposition of penalties as provided by law.

The discharge of dredged and/or fill material not in accordance with the terms and conditions of this GP is a violation of Section 301 of the Clean Water Act (33 U.S.C. 1319), and upon conviction thereof is punishable, in accordance with Section 309 of the Clean Water Act (33 U.S.C. 1319), by a fine of not less than \$2,500, nor more than \$25,000, per day of violation, or by imprisonment of not more than one year, or both. That individual is also subject to a civil penalty not to exceed \$25,000 per day of the violation.

EXTENSION, MODIFICATION, AND REVOCATION OF GENERAL PERMIT

This GP may be revoked by issuance of a Public Notice at any time the DE determines that the singular or cumulative effects of the activities authorized herein are having an unacceptable adverse impact upon the public interest. Following such revocation, all new applications will be processed under individual permit application review procedures and the DE would decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified.

The DE has the discretionary authority to review any individual mining activity, or class of activities to determine whether the activity complies with the GP. If the DE finds that the activity has more than minimal individual or cumulative net adverse impacts on the environment or otherwise may be contrary to the public interest, prospective permittees will be required to apply for an individual permit.

This GP will be effective for a period of five years. During that time, the DE may modify it if he determines that the singular or cumulative impacts of the activities authorized by this GP have an unacceptable adverse effect upon the public interest. During its fifth year, this GP and the work authorized under it shall be reviewed to determine if this GP should be modified, extended, or discontinued.

FOR THE DISTRICT ENGINEER:

Date

8/13/01

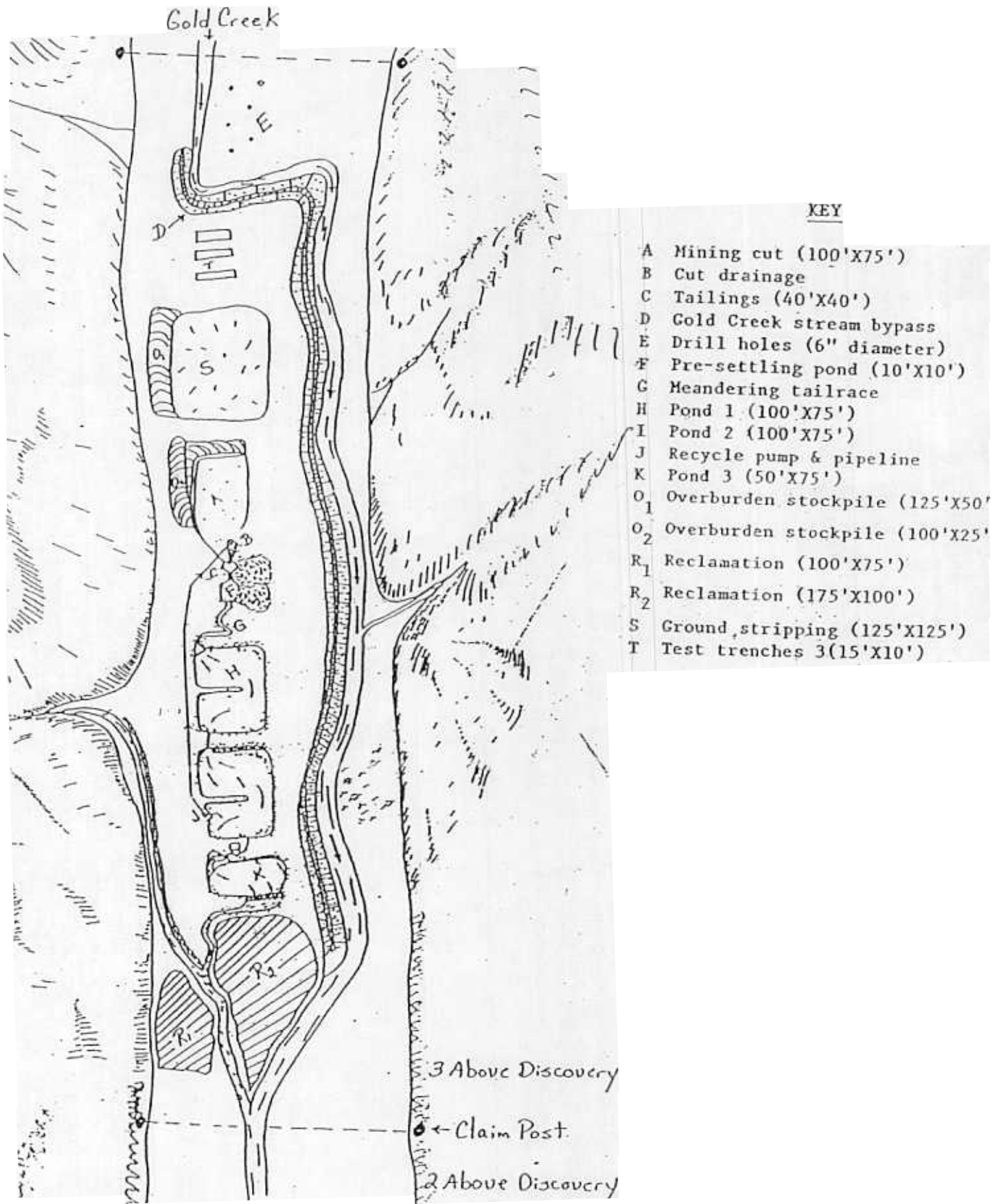
Mike Holly
for Don M. Kohler

Chief, North Section

Regulatory Branch

Alaska District Corps of
Engineers

Below is a sample mine with pertinent features shown. Include the following features in your report if they apply to your operation: pre-stripped mining area, stockpiles (overburden, washed material, or pay gravel), exploration trenches or drill holes, stream diversion, roads, settling ponds, mine cut or pit, diversion dam, camp, and all reclaimed areas. Surface impact (in acres) equals width of area multiplied by the length of area divided by 43,560.



STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF AIR AND WATER QUALITY NON-POINT SOURCE WATER POLLUTION CONTROL

TONY KNOWLES, GOVERNOR

555 Cordova Street
Anchorage, AK 99501-2617
PHONE: (907) 269-7564
FAX: (907) 269-7508
<http://www.state.ak.us/dec/>

April 17, 2001

Certified Receipt Z 526 022 614

Victor Ross
U.S. Army Corps of Engineers
Regulatory Branch
PO Box 898
Anchorage, AK 99506

RE: Amendment to Certificate of Reasonable Assurance
GP-88-02P, Alaska General Permit for Placer Mining
State ID. No. AK 0102-01PA

Dear Mr. Ross:

This letter amends the referenced certification issued to the US Army Corps of Engineers in accordance with Section 401 of the Federal Clean Water Act and provisions of the Alaska Water Quality Standards. The subject certification has been amended to include the following conditions. These conditions were adopted pursuant to 6 AAC 50 (Project Consistency with the Alaska Coastal Management Program) and are necessary to ensure that your permit is consistent with the ACMP:

- Stream disturbance must be kept to the minimum necessary to practicably accomplish the work.
2. Within the Lake and Peninsula Borough and Kenai Peninsula Borough Coastal District boundaries, sand and gravel shall not be removed from areas documented to provide spawning or over wintering habitat for fish.
3. Within the Kenai Peninsula Borough Coastal District boundaries, projects in rivers and floodplains with fish bearing streams will be approved in the following order of highest to lowest preference: braided, split channel, meandering, sinuous, and straight.
4. Within the Kenai Peninsula Borough Coastal District boundaries, activities which could conflict with recreational use of designated recreation areas shall be conducted to minimize conflicts.
5. Within the Land and Peninsula Borough Coastal District boundaries, material such as absorbent pads and booms must be available on-site, and must be used to contain and clean up any petroleum product spilled as a result of excavation activity regarding placer mining.

By the copy of this letter, we are advising the Division of Governmental Coordination of this action. Please contact me if you have any questions concerning this amendment.

Sincerely,



Tim Ramfelt
Environmental Specialist

Cc:

Rex Blazer, DGC Juneau

"Clean Air, Clean Water"

ANNUAL REPORT FOR PLACER MINING
UNDER THE CORPS OF ENGINEERS GENERAL PERMIT (88-02P)
SUBMIT BY DECEMBER 31

Name of permittee: _____
Corps File Number: _____
State APMA Number: _____

Report Completed by _____ Phone: _____

PLEASE CHECK APPROPRIATE BOXES IF YOU DID NOT MINE THIS YEAR:

- ☐ I did no mining this year, and I am planning no future work on this permit. Therefore, I request this file to be closed.
- ☐ I did no mining this year (20____), but I plan future work on this permit.

IF YOU MINED THIS YEAR, PLEASE SUPPLY THE FOLLOWING INFORMATION:

Photos and/or a sketch showing the mine features and activities listed below, if applicable (see example on back of this form).

<u>Mine Feature Or Activity</u>	<u>Acres Disturbed this Season</u>	<u>Reclamation this Season Yes/No</u>	<u>Acres Reclaimed this Season</u>	<u>Agency Approving Reclamation this Season (If any)</u>
Pre-Stripped Mining Area(s)				
Overburden Stockpile(s)				
Pay Gravel Stockpile(s)				
Washed Material Stockpile(s)				
Mine Pit(s) or Cut(s)				
Stream Diversion(s)				
Diversion Dam(s)				
Settling Pond(s)				
On-site Road(s)				
Work/Camp Pad(s)				

TOTAL ACRES DISTURBED AT THIS SITE AS OF DECEMBER 31, 20__

TOTAL ACRES RECLAIMED AT THIS SITE AS OF DECEMBER 31, 20__

DO YOU PLAN ON WORKING AT THIS SITE NEXT YEAR?

- ☐ Yes. No changes.
- ☐ Yes. Describe all changes on separate sheet(s) and submit with this report for review by the Corps.
- ☐ No, but I plan to continue work at this site in 20__.
- ☐ No, I have completed mining and reclamation at this site

Questions: Need more information about the general permit for placer mining? Call Medrick Northrop or Victor Ross in Anchorage at (800) 478-2712 from within Alaska, or at (907) 753-2712, or call Frances Mann in Fairbanks at (907) 474-2166.

Mailing addresses: Regulatory Branch, Corps of Engineers, P.O. Box 898, Anchorage, Alaska 99506-0898; or Fairbanks Regulatory Field Office, 3437 Airport Way, Fairbanks, Alaska 99709-4777.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

TONY KNOWLES, GOVERNOR

☐ SOUTHCENTRAL REGIONAL OFFICE
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470/FAX: (907) 269-3981

☐ CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562/FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317/FAX: (907) 272-3829

April 13, 2001

Mr. Victor Ross
U.S. Army Corps of Engineers
Regulatory Branch
Post Office Box 898
Anchorage, Alaska 99506

Dear Mr. Ross:

SUBJECT: PLACER MINING GENERAL PERMIT 88-02P
STATE I.D. NO. AK 0102-01PA
FINAL CONSISTENCY FINDING

RECEIVED

APR 17 2001

REGULATORY BRANCH
Alaska District, Corps of Engineers

The Division of Governmental Coordination (DGC) has coordinated the State of Alaska's review of the U.S. Army Corps of Engineers (COE) consistency determination for reauthorization of the Alaska General Permit for Placer Mining, GP-88-02N (GP).

DGC previously found this GP consistent with the ACMP (AK 9412-04). The COE notified DGC that this proposed reissuance of the GP is determined consistent, to the maximum extent practicable, with approved State management programs and the Alaska Coastal Management Program (ACMP).

The location is statewide in Alaska.

SCOPE OF PROJECT TO BE REVIEWED

U.S. Army Corps of Engineers (COE) proposes to reauthorize the Alaska General Permit for Placer Mining, GP-88-02N. The permit allows for the general public to place fill material into waters of the United States, including wetlands for the purposes of placer mining within the State of Alaska contingent on meeting the terms and conditions listed. Placer mining is defined as the removal of gold or precious material such as silver, tin, or platinum from gravel. The GP does not apply to hard rock mining activities. Hard rock

mining is the process to remove valuable metals or elements that are bound within country rock.

The placement of dredged or fill material associated with placer mining activities which do not fall within the scope of the GP, or which fail to meet the terms and conditions, are not authorized by the GP and a COE individual permit would be required.

Recreational placer mining, generally, is not covered by the GP. For the purpose of this GP, recreational mining is defined as hand mining with a pick, shovel, pan and or rocker box, and certain types of suction dredges on navigable waters as defined under the COE navigable waters list. Recreational placer mining, generally will not be regulated by the COE and does not require a COE permit, as explained in COE Special Public Notice 94-10, issued September 13, 1994. As long as State of Alaska Department of Fish and Game (DFG) requirements for fish-bearing waters are met, the activity is expected to have de-minimus effects.

The placement of fill material specifically for dikes, wing dams, and stream diversion structures are not considered part of recreational mining.

The GP does not regulate excavation by nozzle of, or effluent from, a suction dredge.

The GP does not apply to mining in marine waters.

This GP does not apply if Essential Fish Habitat is adversely affected. The GP does not apply to hard rock mining activities, suction dredges, marine or estuarine waters, State designated Critical Habitat Areas, Game Refuges, or Sanctuaries, unless the activity is specifically authorized by the agency with jurisdiction over the these lands.

This GP does not apply to placer mining activities within any unit of the National Wildlife Refuge System, National Park System, or component of the National Wild and Scenic River System (existing or nominated).

This GP does not apply if a listed endangered or threatened species would be adversely affected, as determined by the U.S. Fish and Wildlife Service.

The GP does not authorize placer mining activities that would adversely affect archaeological, cultural or historic properties which the National Park Service has listed on, or has determined eligible for listing on, the National Register of Historic Places unless coordination with the State Historic Preservation officer (SHPO), and if necessary, the Advisory Council on Historic Preservation per Section 106 of the National Historic Preservation Act.

The COE has determined that mining activities associated with placer mining operations authorized by another Federal Agency may need no further authorization. This determination does not apply to State land, native lands or private lands where no NEPA analysis has been completed. A mining operator with an approved Plan of Operation from the Bureau of Land Management, the United States Forest Service, or another Federal agency for a placer mine is authorized per the GP. For the operator to be authorized, the Federal land manager must have completed a site specific National Environmental Policy Act (NEPA) analysis for the proposed operation. The NEPA analysis must have considered all practical alternatives for fill placement and activities in waters of the United States. The mining operator must notify the COE of his or her intention to mine, and provide a copy of the Federal plan approval. The notification must include a copy of the approved mining plan and the approved reclamation plan. If stream diversions and relocations are planned a final stream placement and restoration plan shall be part of the reclamation plan. The COE may require a bond to ensure success of the reclamation.

The cumulative surface disturbance of one placer project shall not exceed ten (10) acres including streams, unreclaimed ground, wetlands, and uplands at any time. All placer mining projects will be reviewed by the GP "Pre-Construction Notification" procedure. All project features including mine cuts, settling pond, diversions, berms, work and camp pads, stockpiles, etc. that will not be used during the next year's mining season must be reclaimed prior to the end of the current mining season. Areas reclaimed in accordance with the State reclamation law (A.S. 27.19.020) are not included in computing the area of disturbance (see condition #13).

The GP specifically requires compliance with Alaska water quality standards and all other federal, state, or local environmental regulations.

Application Procedures

- a. Operators must notify the COE of their intended mining activity prior to beginning work. Notification can be with a State of Alaska Annual Placer Mining Application (APMA) or a multi year APMA. The applicant's work location, and type/size of equipment must be clearly identified. For the APMA to be considered a complete GP application by the COE, the accompanying drawings must be of sufficient detail to determine the location and area of impact (dimensions) for each proposed mining activity (cuts, stockpiling of overburden and pay gravel, construction of berms and roads, areas of reclamation, etc.). The COE will contact the miner for additional drawings and/or information, if necessary. After receipt of a complete GP application, the COE will notify the applicant that their work will be covered under this GP, or that an individual permit is required. No work can proceed without COE confirmation.

or

- b. By submitting a letter requesting GP coverage, or a DA permit application (ENG FORM 4345) to the COE. This request for a GP must include a map showing the proposed mine location and a plan drawing showing the location of each placer mining activity. The letter or application and drawings must be of sufficient detail to determine the location and area of impact (dimensions) for each proposed mining activity (cuts, stockpiling of overburden and pay gravel, construction of berms and roads, areas of reclamation, etc.). The COE will contact the miner for additional drawings and/or information if necessary. After receipt of a complete GP application, the COE will notify the applicant to confirm that their work will be covered under this GP, or that an individual permit is required. No work can proceed without COE confirmation.

All mining operations proposed for authorization under this GP will be authorized as follows:

- (1) Applicant submits a request for a permit by either of the methods outlined in paragraph (a) or (b) above.
- (2) The COE reviews the application and determines that the GP is applicable. The COE follows standard PCN procedure.
- (3) The COE faxes the plans to the reviewing agencies, including the land manager.
- (4) The agencies have 7 working days to contact the COE in writing, by FAX, e-mail, or by telephone, with comments on the project. Site specific plans for stream channels by DFG, and/or special conditions will be incorporated as appropriate. Emphasis will be on recommendations based on a site visit, such as those that would improve on the generalized reclamation requirements of condition #13 (see below).
- (5) The COE issues the applicant a GP authorization letter. Or based upon review the COE notifies the miner that a GP is not appropriate for the proposed operation. Special conditions can be added to the GP authorization letter.

Conditions of the General Permit

All activities identified and authorized by the GP shall be consistent with the following conditions:

The time limit for authorizing work under this GP ends five years from the date of the GP issuance. Any activity authorized by the GP before the expiration date must also be completed by that date, unless the activities are underway, will be completed within twelve months of the expiration date, and the permittee notifies the COE of his intent to continue mining. Further time extension may be considered on a case-by-case basis under provisions of 33 CFR 325.6.

2. The proposed placer mining activity shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, as amended (Act), or endanger the critical habitat of such species. In addition, the proposed activity shall not jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat. The District Engineer shall conduct a determination of effect by contacting the U.S. Fish and Wildlife Service for each application received as a GP request. The presence, or subsequent discovery, of a threatened, endangered or proposed species or critical habitat which may be affected by a permitted action or related activities may result in a delay of permit issuance for the specific operation in order to include section 7 consultation and/or conference, as required by the Act.
3. The proposed placer mining activity shall not adversely affect Essential Fish Habitat
4. Placer mining activities which are located in waters used by anadromous fish species shall be consistent with State of Alaska Department of Fish and Game Statutes A.S. 16.05.870 and must comply with any Alaska Department of Fish and Game Fish Habitat Permit issued for the project under A.S. 16.05.870, if a permit is required. Violation of the Alaska Department of Fish and Game's AS 16.05.870 permit shall be grounds to suspend or revoke the authorization granted by this GP.
5. Any stream diversion shall be limited to two thousand (2000) linear feet at any one time. All restoration activities must be completed on the diversion prior to construction of a new diversion (see condition #13 below).
6. Any stream diversion activity shall provide for the free passage of fish, both upstream and downstream with no barriers or entrapments, consistent with State of Alaska Department of Fish and Game Statutes A.S. 16.05.840 - 16.05.860. The stream diversion must be supplied with a quantity of water sufficient to pass fish and at a grade and velocity approximating that of the original stream and must be capable of carrying anticipated stream flows during the period it will be in operation without overtopping the banks or causing undue erosion of the streambed or banks. The stream diversion must comply with the Alaska Department of Fish and Game Fish Habitat Permit issued under A.S. 16.05.840, if such a permit is required.

7. No placer mining activity shall be located within one-quarter mile of an eagle nest site unless the Fish and Wildlife Service determines that the activity will not impact the eagles per the Eagle Protection Act (16 USC 668-668c revised 11/8/78).
8. The activity shall have (if applicable), and be in compliance with, required State and Federal authorizations, including United States. Environmental Protection Agency, National Pollution Discharge Elimination System permit; Section 305 (b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), Essential Fish Habitat; Alaska Department of Fish & Game, A.S. Title 16 Fish Habitat Permit; Alaska Department of Natural Resources A.S. 27.19 (Reclamation Act). Failure to comply with any Federal or State authorization shall be grounds for suspending or revoking the authorization granted by this GP.
9. Dredged and/or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include: gullyng, head cutting, caving, block slippage, material sloughing etc. Material shall not leach harmful or toxic substances into streams or wetlands. Preferably, it should be placed into upland areas, or areas that have been previously mined.
 - a. All material stockpiles intended for private use or subsequent commercial sale shall either be used and reclaimed within three years under condition #13, or be placed in a stable upland location which avoids stream channels and wetlands. Stockpiles should preferably be placed in uplands, however, if it is in wetlands, the footprint shall not be greater than one acre in size. Stockpiles shall not be placed in stream channels. This condition does not apply to waste rock, overburden, or tailings not intended for commercial sale or personal use and are reclaimed under condition #13.
10. Settling ponds shall not be located in a flowing stream. If a settling pond is located where it is likely to flood, and is needed for mining during the next year, it shall be protected from erosion by a berm or another method. Settling ponds shall not be located where a stream channel is going be reestablished unless the fines are removed or protected from erosion. Exceptions to this condition can be made on a case-by-case basis.
11. All features, settling ponds, berms, workpads, roads, and stream diversions shall be designed, constructed, and maintained to minimally withstand the high waters of a 10-year flood.

12. Pump intakes or stream diversions shall be designed to prevent intake, impingement, entrainment, or entrapment of fish consistent with State of Alaska Department of Fish and Game Statutes A.S. 16.05.870 - 16.05.900 and Alaska Department of Natural Resources (DNR) Statute A.S. 46.15.
13. All organic materials including vegetation, topsoil and overburden, shall be separated from non-organic overburden and stockpiled for future use in reclamation. The organic material shall be protected from erosion and from contamination by acidic or toxic materials and shall not be buried by tailings or non-organic material. Preferably, the stockpiles shall be placed into upland areas, or areas that have been previously disturbed.
14. Mine features shall be reclaimed when the mining activity is complete, when the disturbed areas are not expected to be used during the next year. All mine features shall be reclaimed according to the following minimum requirements (a through f). Exceptions and additions to these requirements can be made on a case-by-case basis when approved by the appropriate land manager and the COE.
 - a. Mined areas shall be re-contoured so that slopes and features of mined areas match up to the slopes and features of the surrounding landscape. All material, including overburden, side cast material, and tailings, shall be used. The goal is to obtain stable slopes and soil surfaces containing enough fine material to hold moisture and promote reasonable rates of natural re-vegetation with a 40% live plant cover of the entire reclaimed area by the end of two growing seasons.
 - b. Stockpiled organic material (including vegetation, topsoil and overburden and or muck), and if possible, settling pond silts, shall be spread over the contoured mine workings, to promote natural plant growth. The goal of this condition is to promote the natural succession of vegetation that is representative of the area. Acceptable indicators that this process is occurring would be a reasonable presence, density, and distribution of pioneer species of plants typical to the area. The goal is to achieve a 40% live plant cover of the reclaimed area within two complete growing seasons.
 - c. Settling ponds located within the stream channel floodplain shall be reclaimed, capped, or the pond sediments removed so that the fines do not get into the stream system.
 - d. Stream channels shall be stabilized. The goal of stability means that, when reclamation is complete, a stream will have an acceptable balance between erosion and deposition so that it develops recognizable stream system features. Such features include an active channel with appropriate meanders, point bars, and a floodplain. The

stream channel should mirror pre-placer mining configuration in terms of length, flow velocity, grade, and functional configuration. This includes having a riparian area supporting pioneer species of vegetation. The goal is to achieve a range of conditions that will move the stream system towards reestablishing some of the stream functions of pre-placer mining conditions. There is no defined time scale. This may include a combination of approaches, including a relocation of the channel, changes to channel geometry, different methods of handling sediments, promoting natural re-vegetation, and applying new technology as appropriate. No longer needed diverted stream reaches shall be backfilled with suitable, non-erodible material and the stream restored in a stable location in the valley.

- e. Floodplain areas shall have a minimum width to withstand a 10-year flood event. The purpose of this is to prevent excessive erosion of material placed adjacent to the stream. This standard may be raised or lowered on a case by case basis.
- f. There shall be no permanent stream diversions unless the final configuration satisfies condition 13-d above and is approved by Alaska Department of Fish and Game under A.S. Title 16 permits, the appropriate land management agency, and the COE of Engineers. If a diversion is to be left as a landscape feature, it must be suitably backfilled or blocked.
- g. Exploration trenches shall be backfilled, stabilized and covered with organic material to inhibit erosion, and promote natural revegetation as described above in 13-a. All exploration drill holes need to be plugged in accordance with Alaska Statute.

- 15. If a stream segment is to remain in a diversion channel (as mandated by Alaska Department of Fish and Game under A.S. Title 16 permits, the appropriate land management agency, or the COE of Engineers), the diversion channel shall approximate the length, flow velocity, grade, and functional configuration of the diverted stream segment.
- 16. Within the Matanuska-Susitna Coastal District boundary, all habitable structures, petroleum storage, and sanitary facilities must be a minimum of 75 feet from the ordinary high water line of rivers, streams, and lakes.
- 17. You must maintain the lands and facilities subject to this GP in good condition and in conformance with the terms and conditions of this GP. This includes removal of fuel drums, equipment, trailers, bone yards, and used oil and waste upon abandonment. You are not relieved of this requirement if you abandon the permitted Activity. If another operator will be taking over the mine, the GP must be

reissued to the new operator and final reclamation may be required prior to reauthorization. The local COE office shall be notified of the planned change.

18. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this GP, you must immediately notify this office, the State Historic Preservation Office, and the coastal district (if within a coastal district), of what you have found. The District Engineer (DE) will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. (If the activity occurs on Federal land, the Federal land manager is responsible for coordination.)
19. Any operator found in non-compliance with this GP shall not be issued another placer mine GP authorization until the non-compliance is rectified.

CONSISTENCY FINDING

This final consistency finding, developed under 6 AAC 50, applies to the federal consistency determination required for the project per 15 CFR 930 Subpart C. The State reviewed the proposed General Permit activity to determine if State coastal resource concerns are adequately addressed and to determine if the State concurs that the activity is consistent, to the maximum extent practicable, with the enforceable policies of the ACMP.

The activity requires the following Federal and State permits:

U.S. Army Corps of Engineers
Proposed General Permit 88-02P
Placer Mining Activities within the State of Alaska

Alaska Department of Environmental Conservation (DEC)
Certificate of Reasonable Assurance (401)

The Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and coastal resource districts have reviewed your proposed activity. Based on that review, the State concurs with your determination that this proposed project is consistent with the ACMP to the maximum extent practicable, providing you adopt the following alternative measures.

1. Stream disturbance must be kept to a minimum necessary to practicably accomplish the work.
2. Within the Lake and Peninsula Borough and Kenai Peninsula Borough Coastal District boundaries, sand and gravel shall not be removed from areas documented to provide spawning or overwintering habitat for fish (KPBCMP 10.2; L&PBCMP 9.05.70)
3. Within the Kenai Peninsula Borough Coastal District boundaries, projects in rivers and floodplains with fishbearing streams will be approved in the following order of highest to lowest preference: braided, split channel, meandering, sinuous, and straight. (KPBCMP Enforceable Policy 10.1.f)
4. Within the Kenai Peninsula Borough Coastal District boundaries, activities which could conflict with recreational use of designated recreation areas shall be conducted to minimize conflicts (KPBCMP Enforceable Policies 4.2).
5. Within the Lake and Peninsula Borough Coastal District boundaries, material such as absorbant pads and booms must be available on-site, and must be used to contain and clean up any petroleum product spilled as a result of excavation activity regarding placer mining (L&PBCMP 9.05.70).

ADVISORIES

All activities covered by the scope of the GP will comply with DEC authorities per 6 AAC 80.140 AIR, LAND, AND WATER QUALITY, which states that "... the statutes pertaining to and the regulations and procedures of the Alaska Department of Environmental Conservation with respect to the protection of air, land, and water quality, in effect on August 18, 1992, are incorporated into the Alaska coastal management program and, as administered by that agency, constitute the components of the coastal management program with respect to those purposes.

Lake and Peninsula Borough ordinance #9.07 gives the Borough power to a) require a reclamation plan; b) require a development permit if excavation, placement of fill, grading, removal or disturbance of the topsoil of more than 10,000 square feet or 1/4 acre occurs within 100 feet of anadromous streams, tidelands, wetlands, or submerged lands; and/or c) require a reclamation plan.

Please be advised that although the State agrees the project is consistent with the ACMP, based on your project description and any alternative measures contained herein, you are still required to meet all applicable State and federal laws and regulations.

April 13, 2001

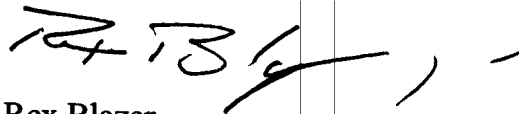
This consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with all other applicable State and federal laws and regulations.

This consistency finding is ONLY for the activity as described. If you propose changes to the approved activity, including its intended use, prior to or during its siting, construction, or operation, you must contact this office immediately to determine if further review and approval of the revised project is necessary.

No State or federal agency may issue its authorization before DGC issues this final consistency finding. Most State agencies should issue permits within five days after DGC issues this final consistency finding.

If you have any questions regarding this finding, please contact me at 907-465-8791, or email rex_blazer@gov.state.ak.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Blazer', followed by a horizontal line and a dash.

Rex Blazer
Project Analyst

Enclosure

cc: All Coastal Districts
Janet Schempf, DFG, Juneau
Mitch Henning, DNR, Anchorage
Pete McGee, DEC, Fairbanks
Tim Rumfelt, DEC, Anchorage
Ann Baves